

**TCEQ AIR QUALITY STANDARD PERMIT REGISTRATION NUMBER 174419 FOR
A ROCK AND CONCRETE CRUSHER PLANT**

APPLICATION BY	§	BEFORE THE TEXAS
JULPIT LLC FOR AIR QUALITY	§	COMMISSION ON
STANDARD PERMIT NO. 174419	§	ENVIRONMENTAL QUALITY
FORT BEND COUNTY	§	TCEQ DOCKET # 2024-1751-AIR

**FORT BEND COUNTY’S REPLY
IN SUPPORT OF ITS MOTION TO OVERTURN**

TO THE HONORABLE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHAIRMAN NIERMANN, AND COMMISSIONERS JANECKA AND GONZALES:

Fort Bend County (“County”) files this Reply in Support of Its Motion to Overturn the decision by the Executive Director of the Texas Commission on Environmental Quality (“TCEQ”) to approve Julpit LLC’s (“Julpit” or “Applicant”) application to operate a permanent rock-concrete crusher (Air Quality Standard Permit No. 174419). In support thereof the County shows the following:

I. INTRODUCTION

As explained in Fort Bend County’s Motion filed by the Fort Bend County Attorney’s office with the assistance of the undersigned counsel, the Executive Director’s (“ED”) decision to approve the Julpit permit should be overturned for the following reasons:

- Julpit did not demonstrate - and the public record contains no evidence - that the Facility will be at least 440 yards from any residence as required by the Air Quality Standard Permit for Permanent Rock and Concrete Crushers.
- The Julpit permit was granted to the wrong entity. The ED approved a permit for a company that did not request a permit and did not approve a permit for the company that did request it. The application, review, and decision process was based on inaccurate information, fundamentally flawed, and provides no assurance that the correct entity was registered with the Secretary of State, vetted, and accounted for in the Commission’s databases upon which public searches and tracking of compliance records depend.
- The ED did not respond to Fort Bend County’s written comments until after the deadline to file Motions to Overturn. Consequently, Fort Bend County’s

participation in the permit process, and its ability to challenge the ED's decision, were irreparably harmed.

- The ED ignored the air-quality standards in place when the application was filed.

Fort Bend County incorporates without repeating the arguments and evidence presented in its Motion to Overturn and in this Reply addresses only those matters raised by the Executive Director's Response to Motions to Overturn ("Response").

II. ARGUMENT

The Public's Procedural Due Process Rights Have Been Violated.

A. The Executive Director Relied on Information about the Location of the Facility Not Available to the Public

In approving the Julpit permit application, the Executive Director relied on the "*Applicant's representations*" and the "*Applicant's maps*" outside of – and still not part of – the public record. Fort Bend County did not know about this information before submitting written comments or filing its Motion to Overturn. The County had no opportunity to review and respond to this information before filing this Reply to the Executive Director's Response.

The Response to Movants' arguments regarding the lack of information needed to determine whether the Julpit facility complies with the 440-yard distance requirement relies almost exclusively on information and materials not available to the public. For example, in the Response to Motions to Overturn, the Executive Director states the following:

"The coordinates provided in this application appropriately represent the nearest point on the crushing facilities that is nearest to the residence, school, or place of worship."

The only "coordinates" available to the public in the TCEQ online records is the "29.454387°, -95.480283°" shown to be in the center of a rectangle on what purports to be an "area

map” in the Initial Application.¹ Even if one assumes that the rectangle is meant to depict the crushing facilities, the only “coordinates” the Applicant provided are in the middle of that rectangle and not at the “nearest point” ...“nearest to the residence, school, or place of worship.” Additionally, there are no “residences, schools, or places of worship” shown on the “area map” or anywhere else in the TCEQ Records Online for Permit Registration Number 174419.² Finally, the application provides no information from which Fort Bend County can determine the dimensions and location of the proposed crusher facility and, therefore, nothing from which the distance to nearby residences could be measured (where, precisely, is the “nearest point” ...“nearest to the residence, school, or place of worship”?). Fort Bend County is at a loss to understand, and the publicly available materials do not demonstrate or explain, how one could draw the conclusion that “[t]he coordinates provided in this application appropriately represent the nearest point on the crushing facilities that is nearest to the residence, school, or place of worship.”

The Response explains further that:

“Based on the Applicant’s representations, the residences highlighted by Fort Bend County are further away from the proposed facility than the residence detailed in the application.”

Fort Bend County is unaware of a “residence detailed in the application” and can find no reference to a residence in the TCEQ Online Records. The Executive Director does not provide the date on which the “*Applicant’s representations*” occurred or the method by which the

¹ Initial Application p. 8 attached as Exhibit A.

² See Screenshot taken on December 19, 2024 at Exhibit B.

“Applicant’s representations” were made. It appears that the *“Applicant’s representations”* may have been made in response to Fort Bend County’s November 18, 2024, Motion to Overturn – well after the public comment period closed on September 26, 2024.

The Applicant chose not to file a Response to Motions to Overturn to provide this information or answer the other issues raised in the numerous Motions to Overturn. The Executive Director points to no evidence in the record to substantiate *“Applicant’s representations”* upon which she based her conclusion that “the residences highlighted by Fort Bend County are further away from the proposed facility.” The record does not provide evidence that “further away” is more than 440 yards from the facility.

The Response referred to the following information purportedly relevant to the location of the facility and its proximity to nearby residences:

“TCEQ regional investigators conducted two site visits, one on June 5, 2024, and another on June 26, 2024. In the notes for the June 26, 2024, site visit, TCEQ investigators recorded that the nearest residence had an estimated distance greater than 440 yards away.”

The TCEQ investigators did not “record” the location of the nearest residence. In fact, the investigators recorded that **“Discussions between the investigators and project managers were held to confirm the distances to the nearest property line and nearest off-property receptor. The use of a range finder was not possible due to the presence of dense foliage on site.”** The June 26, 2024, Investigation Report is attached as Exhibit C. There is no evidence – other than the referenced “discussions” – about the proposed facility’s location and distance from “receptors.”

Moreover, the June 26, 2024, Investigation Report makes no mention of a June 5, 2024, site visit and Fort Bend County has located no documents related to a June 5, 2024, site visit in the TCEQ

Online Records. Fort Bend County's Public Information Request asking for materials related to the June 5, 2024, visit is attached as Exhibit D.

The Executive Director goes on to explain that:

"The Applicant's maps did properly include nearby businesses, landmarks, and labeled residences outside of the 440-yard distance requirement."

The Executive Director does not provide the "*Applicant's maps*" or point to evidence in the record so that Fort Bend County could review or assess the "*Applicant's maps*." Fort Bend County has not located the "*Applicant's maps*" in the TCEQ Online Records. Its Public Information Request for these and other documents related to this permit application is attached as Exhibit D.

In the Response to Comments, but not in the Response to Motions to Overturn, the Executive Director states the following:

"In addition to the representations provided in the initial application, the Applicant updated its maps and representations on May 10, 2024. These representations further clarified that the proposed facility would be more than 440 yards away from the nearest residence, school, or place of worship."

It does not appear that the public was notified of these "*updated maps and representations*" until the Response to Comments were mailed on December 3, 2024 – more than two months after the public comment period closed. And even then, the "*updated maps and representations*" have not been described or provided.

As explained in Fort Bend County's Motion to Overturn and OPIC's Response, the public record provides no basis for how the Executive Director determined that the Applicant would meet the setback requirements. The configuration of the proposed facility is not detailed in the application materials, the record contains no clear information about the orientation or location of the nearest

residence in relation to (undefined) facility equipment, nor does the record contain materials that show how measurements provided in the “updated” information were taken or what they measured.

Fort Bend County and potentially impacted residents have been deprived of the opportunity to determine and comment upon whether distances between the facility and residences are correct, complete, accurate, and comply with buffers required by law.

As Chairman Niermann said in the November 20, 2024, open meeting on the Executive Director's Issuance of Air Quality Standard Permit No. 175198 to North Texas Natural Select Materials LLC; 2024-1583-AIR (“North Texas Crusher”), “we have a notice issue with respect to the facility location.” The Chairman recommended and the Commissioners agreed to overturn the Executive Director’s decision regarding the North Texas Crusher proposed in Grayson County to allow the public opportunity to comment on revised representations regarding the facility’s location.³ The circumstances surrounding the approval of the Julpit application are remarkably similar to those the Commissioners considered in North Texas Crusher decision. With regard to the North Texas Crusher, the Commissioners found that the “revised location of the rock crusher was not appropriately made available to the public during the public comment period.”⁴ With Julpit, the location of the rock crusher has not been appropriately made available to the public at all.

³ Order Concerning Motions to Overturn the Executive Director's Issuance of Air Quality Standard Permit No. 175198 to North Texas Natural Select Materials LLC; 2024-1583- AIR.

⁴ *Id.*

A party is entitled to be “apprised of the evidence contrary to his position so that he may refute, test, and explain that evidence.”⁵ Neither Fort Bend County nor any member of the public has had an opportunity to consider the recently revealed updated maps and representations – violating long standing, basic principles of due process, and the Commissioners’ commitment to meaningful public participation.

B. The Timing of the Response to Comments Prejudiced the Movants

The “un-ideal” timing of the Response to Comments has severely prejudiced Fort Bend County’s ability to challenge the ED’s decision. Fort Bend County does not ask the Commissioners to address the timing of Responses to Comments in every rock crusher permit matter. But, in this case, the failure to publish the Response to Comments before the Motions to Overturn were filed, should constitute reversible error.

Fort Bend County predicted in its Motion to Overturn that it would be blindsided by the Response to Comments and it was. When it filed the Motion to Overturn, Fort Bend County did not know the Applicant had provided any “updated” maps and representations regarding the location of the facility. (The Applicant has not produced those maps, preferring instead to remain silent in the face of the Motion to Overturn.) Fort Bend County learned of the Applicant’s “updated representations and maps” which purportedly “clarified that the proposed facility would be more than 440 yards away from the nearest residence, school, or place of worship” only after receiving the Response to Comments. If, as here, the Executive Director relies upon information and materials

⁵ *R.R. Comm’n of Tex. v. Lone Star Gas Co.*, 611 S.W.2d 908, 910 (Tex. App.—Austin 1981, writ ref’d n.r.e.) (citing *Richardson v. City of Pasadena*, 513 S.W.2d 1, 3 (Tex. 1974)).

that have not been made available to the public, then fairness and due process dictate that the Response to Comments, which reveal the existence of the non-public information, should be provided before the Movants' deadline to file Motions to Overturn so that the Movants may create a full and fair record to present to an appellate court.

Fort Bend County was required to file its Motion to Overturn before any public notice that the Applicant had supplemented or amended its application materials. This put the County and the public at a distinct disadvantage. When it filed the Motion to Overturn, Fort Bend County was not aware of the Applicant's "updated" maps that would allow the County measure, survey or otherwise contest the accuracy of the Applicant's setback analysis which the Executive Director was required to analyze. The County should have had that information as should the rest of the interested public so that there could be meaningful review of this undisclosed information.

Fort Bend has undertaken its own review of the location of the facility and its proximity to nearby residences, and it has attached its results as Exhibits E and F to this Reply Brief. Exhibits E and F show the proposed site of the Julpit Crusher according to the information (the one set of coordinates) the Applicant provided in the application. The nearest homes (or structures that appear to be homes) identifiable on satellite imagery are marked with blue circles depicting a radius of 440 yards (to the "point" on the application "site map.") Based on the only information available, these maps indicate that the facility is likely within 440 yards of at least one of 16 residences.

The 440-yard setback requirement is the primary, some might say the only, method by which those living closest to a rock crushing facility can be assured of some modicum of health protection from the particulates the facility generates. At a minimum, at the very bare minimum, the public should be provided with access to the data, documents, measurements, surveys,

photographs, satellite images, maps, and, yes, representations that establish this concrete rock crushing plant will be built on an overgrown, undeveloped, uncleared, swampy piece of land at the precise spot guaranteed to be at least 440.1 yards from all sixteen nearby homes. The timing of this disclosure should ensure that the public may avail themselves not only of public participation opportunities, but the legal remedies available to challenge the evidence and the decision.

Because of the timing of Response to Comments, evidence and arguments refuting or challenging this new information could not be included in the County's Motion to Overturn. This impacts the County's ability to seek judicial review, as well as the scope of that judicial review, if the court may not consider issues not raised in the Motion or this Reply. Additionally, it may turn out that the Motions were based on incomplete, possibly inaccurate information (which remains unavailable), preventing the parties from presenting the complete record to an appellate court.

Publishing the Response to Comments after the Motions to Overturn was fundamentally unfair and prejudicial. Adherence to its own rules and policies about participation and due process dictate that TCEQ overturn the ED's decision under these circumstances.

III. CONCLUSION

For the foregoing reasons, Fort Bend County respectfully requests that the Decision approving Julpit LLC's Standard Permit permanent rock-concrete crusher application, Registration No. 174419, be overturned or, in the alternative, remanded to the Executive Director to provide the public with the Applicant's updated maps and representations and to reopen the public comment period to comment on these updated maps and representations.

Respectfully submitted,

BRIDGETTE SMITH-LAWSON
FORT BEND COUNTY ATTORNEY

/s/ Huma Ahmed

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ATTORNEYS FOR FORT BEND
COUNTY

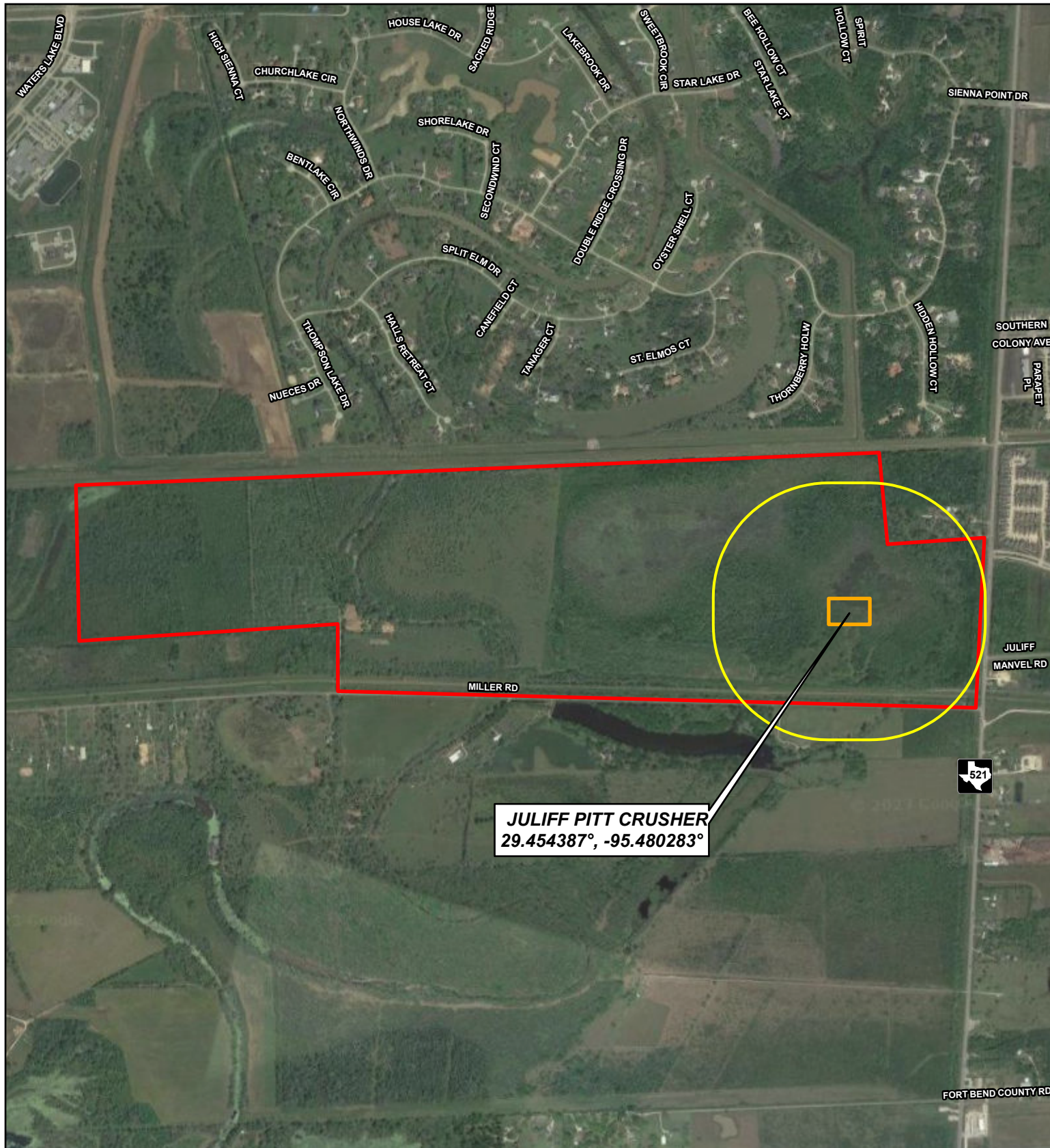
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and complete copy of the foregoing was served
via electronic service on December 23, 2024.

/s/ Earnest W. Wotring

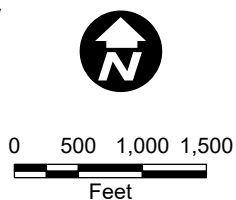
Earnest W. Wotring

EXHIBIT A



Legend

- Property Boundary
- Crusher Boundary
- 1,320 Foot Buffer



JULPIT, LLC.
JULIFF PIT CRUSHER

AREA MAP

FORT BEND COUNTY, TEXAS



Date: 9/28/2023

EXHIBIT B



This application will allow you to search and view publicly available electronic records and information on many of the facilities regulated by the agency. To view publicly available hard copy records, select them and hit the request button to fill out the related request on the following page. A Central File Room representative will confirm receipt within 8 agency business days of the submission. Records which contain confidential information will require you [request a Public Information Request](#).

Search Results Found 13 potential items
[Search Within](#) Use the Search Within function to narrow search results.

Filter by Category: Item Type:Document Record Series:AIR / New Source Review Permit Security Group:Public Assigned Location:EDoc Media:Electronic

Search form --> Search Results

[Hide/Show](#)
[Select Columns](#)

Select	Content ID	Record Series	Primary ID	Secondary ID	Document Type	Title	Begin Date	End Date	Litigation Hold	Regulated Entity Name	Media	Description	Security Group
<input type="checkbox"/>	7445339	AIR / New Source Review Permit	174419		Permits	Final Action	12/9/2024 12:00AM	12/9/2024 12:00AM	No	JULIFF PIT CRUSHER	Electronic		Public
<input type="checkbox"/>	7445340	AIR / New Source Review Permit	174419		Permits	Initial Application	12/9/2024 12:00AM	12/9/2024 12:00AM	No	JULIFF PIT CRUSHER	Electronic		Public
<input type="checkbox"/>	7443120	AIR / New Source Review Permit	174419	365632	Permits	Agency Review	10/25/2024 12:00AM	10/25/2024 12:00AM	No	JULIFF PIT CRUSHER	Electronic		Public
<input type="checkbox"/>	6798063	AIR / New Source Review Permit	174419	365632	Permits	Applications	11/30/2023 12:00AM	11/30/2023 12:00AM	No	JULIFF PIT CRUSHER	Electronic		Public
<input type="checkbox"/>	6798062	AIR / New Source Review Permit	174419	365632	Permits	Applications	11/30/2023 12:00AM	11/30/2023 12:00AM	No	JULIFF PIT CRUSHER	Electronic		Public
<input type="checkbox"/>	7350817	AIR / New Source Review Permit	174419	365632	Permits	Final Action	10/25/2024 10:01AM	10/25/2024 10:01AM	No		Electronic	C19 Letter	Public
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<input type="checkbox"/>	6794104	AIR / New Source Review Permit	174419	365632	Permits	Public Notices & Comments	11/30/2023 10:14AM	11/30/2023 10:14AM	No		Electronic		Public
<input type="checkbox"/>	6942616	AIR / New Source Review Permit	174419	365632	Permits	Public Notices & Comments	2/29/2024 3:39PM	2/29/2024 3:39PM	No		Electronic		Public
<input type="checkbox"/>	6953895	AIR / New Source Review Permit	174419	365632	Permits	Public Notices & Comments	3/5/2024 12:20PM	3/5/2024 12:20PM	No		Electronic	Amended English PN	Public
<input type="checkbox"/>	7429291	AIR / New Source Review Permit	174419	365632	Permits	Public Notices & Comments	12/4/2024 8:52AM	12/4/2024 8:52AM	No		Electronic	C19 Letter	Public
<input type="checkbox"/>	7350805	AIR / New Source Review Permit	174419	365632	Permits	Technical Review	10/25/2024 10:01AM	10/25/2024 10:01AM	No		Electronic		Public

EXHIBIT C

AIR NSR_174419-365632_PA_20240626_Investigation_1994734
Texas Commission on Environmental Quality
Investigation Report

The TCEQ is committed to accessibility. If you need assistance in accessing this document, please contact oce@tceq.texas.gov

Customer: Julpit, Inc.
Customer Number: CN606195014
Regulated Entity Name: JULIFF PIT CRUSHER
Regulated Entity Number: RN111833539

Investigation # 1994734

Investigator: RAFAEL ELIZONDO

Conducted: 06/26/2024 -- 06/26/2024

Program: AIR NEW SOURCE PERMITS

Incident Numbers

Site Classification MINOR SOURCE

SIC Code: 3523

Investigation Type : Site Assessment

Location : FROM THE INTERSECTION OF TX6 AND FM 521 GO SOUTH ON FM 521 FOR APPROXIMATELY 3.8 MILES AND TURN RIGHT ONTO THE SITE

Additional ID 174419

Address: ; City , State Zip

Local Unit : REGION 12 - HOUSTON

Activity Type: PMSI116ON - AIR PMSI116ON - ON SITE CH 116 PERMIT SITE REVIEW

Principal(s):

Role RESPONDENT

Name JULPIT INC

Contact(s):

Role PARTICIPATED
IN

Title PROJECT MANAGER

Name MR LARRY DEAVERS

Phone Number for Phone is (713) 828-8901
End of record for this contact

Role REGULATED
ENTITY
CONTACT

Title PROJECT MANAGER

Name MR TYLER WILLIAMS

Phone Number for Phone is (832) 715-3398
End of record for this contact

Role PARTICIPATED
IN

Title PROJECT MANAGER

Name MR EDGAR OLIVARES

Phone Number for Phone is (713) 427-1076
End of record for this contact

Other Staff Member(s):

Role Investigator

Name RAJESWARI MAHESH

Role Investigator

Name AIDEN WEAVER

Role Supervisor

Name NICOLE FOSTER

Role QA Reviewer

Name KAYLYN ERSKINS

Associated Check List

Checklist Name AIR PERMIT SITE REVIEW

Unit Name Sitewide

Checklist Name AIR EQUIPMENT

Unit Name Sitewide

Investigation Comments:

INTRODUCTION / INVESTIGATION SUMMARY

Introduction

On June 5, 2024, the Texas Commission on Environmental Quality (TCEQ) Houston Regional Office received a Request for Comments (RFC) from the TCEQ Air Permits Division (APD) for Permit #174419 for Juliff Pit Crusher (APD Project No. 365632).

Narrative

Wednesday, June 26, 2024

The meteorological conditions for the date of the investigation are described below:

On June 26, 2024, the temperature ranged from 78.7 degrees Fahrenheit (°F) to 91.5 °F. Wind speeds ranged from 1.5 to 9.5 miles per hour (mph) to the Northeast.

Meteorological data was provided by the TCEQ Manvel Croix Park Continuous Ambient Monitoring Station (CAMS) (Site No. 480391004)

On June 26, 2024, TCEQ Investigators Mr. Rafael Elizondo III, Ms. Aiden Weaver, and Ms. Rajeswari Mahesh arrived on site at approximately 9:15 AM to conduct an on-site review of the draft permit application for Permit #174419. The surrounding land use consisted of undeveloped and residential areas.

The investigators met with Mr. Larry Deavers and Mr. Edgar Olivares, Project Managers for Julpit Inc., and explained the purpose of the site review. The site intends to operate a permanent rock-concrete crusher under Standard Permit No. 174419. Julpit Inc. is submitting this application, per the request of TCEQ, to authorize the operation of the permanent rock-concrete crusher under Standard Permit No. 174419. Mr. Deavers and Mr. Olivares escorted the investigators to the location where the permanent rock-concrete crusher would operate. Discussions between the investigators and project managers were held to confirm the distances to the nearest property line and nearest off-property receptor. The use of a range finder was not possible due to the presence of dense foliage on site.

The investigators departed the area at 9:45 AM.

A response was sent to the permit writer via e-mail on June 26, 2024. A copy of the response can be found in Attachment 1.

Exit Interview

An exit interview with Juliff Pit Crusher was not conducted during this permit review process.

GENERAL FACILITY AND PROCESS INFORMATION

Process Description

Juliff Pit Crusher is a permanent rock-concrete crusher.

BACKGROUND

Current Enforcement Actions

Comments from regional staff regarding current enforcement actions are included in Attachment 1, if applicable.

Agreed Orders, Court Orders, and Other Compliance Agreements

Comments from regional staff regarding Agreed Orders, Court Orders, and other Compliance Agreements are included in Attachment 1, if applicable.

Complaints

Comments from regional staff regarding any complaints are included in Attachment 1, if applicable.

Prior Enforcement Issues

Comments from regional staff regarding any prior enforcement issues are included in Attachment 1, if applicable.

ADDITIONAL INFORMATION / RECOMMENDATIONS

Conclusions and Recommendations

Comments from regional staff regarding applicability and enforceability are included in Attachment 1.

Additional Issues

Additional issues are included in Attachment 1, if applicable.

List of Report Attachments

1. Request for Comments Form

No Violations Associated to this Investigation

Citations include TAC or T. A. C. which stands for Texas Administrative Code

No or N. O. stands for Number and Pg or P. G. stands for page.

Req or R. E. Q. stands for requirements

Signature lines for Environmental Investigator and supervisor with dates

Signed Rafael Elizondo III
Environmental Investigator

Date 8/29/2024

Signed Nicole Foster
Supervisor

Date 8/30/2024

Checklist for different types of attachments

Attachments: (in order of final report submittal)

___ Enforcement Action Request (EAR)

___ Letter to Facility (specify type) : _____

Investigation Report

___ Sample Analysis Results

___ Manifests

___ Notice of Registration

___ Maps, Plans, Sketches

___ Photographs

___ Correspondence from the facility

☒ Other (specify) :

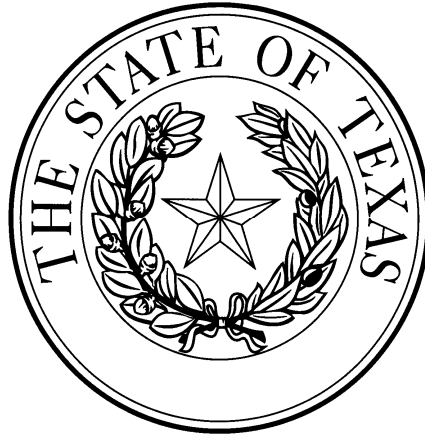
See Report List

List of Attached files

Attachment 1.pdf

TCEQ

Region 12 - Houston



Attachment 1 Request for Comments Form

CN606195014

RN111833539

RN Name: Juliff Pit Crusher

Investigation #1994734

Date of Investigation: June 26, 2024

**Request for Comments -- Site Review
TCEQ -- Air Permits Division
Phone: (512) 239-1250
Fax: (512) 239-1400**

Submitted by: Air Permits Initial Review Team

TO: Region: 12

City: Juliff

County: Fort Bend

Date Request Submitted: June 19, 2024

Date Response Requested: July 19, 2024

Comments: Deadline is 45 days for MSS-type reviews, 21 calendar days for all others, from the Date Request Submitted. Section Manager approval is required for responses requested sooner than those deadlines. MSS = an NSR application for Planned Maintenance, Start-up, or Shutdown emissions in accordance with 30 TAC Chapter 101.

Date Application Received by Air Permit Initial Review Team: October 25, 2023

REGIONAL OFFICES: Please return comments to the appropriate Permitting Team Leader indicated on the following page ASAP, but no later than deadline established above. Permit disposition will proceed after comments are received or after the comments deadline has passed.

REQUESTED PERMIT ACTION:

MSS Construction

MSS Amendment

Revision

X Construction

Amendment

Other

Renewal

Renewal Abbreviated Review

Project No.: 365632

PERMIT No.: 174419

Regulated Entity No.: RN111833539

Customer No.: CN606195014

Company Name: Jilpit Llc

Plant Name: Juliff Pit Crusher

City: Juliff

County: Fort Bend

Location: from the intersection of tx6 and fm 521 go south on fm 521 for approximately 3.8 miles and turn right onto the site

Unit Name: Rock Crusher

Technical Contact: Tyler Williams

Phone: (832) 715-3398

Local Program Applicable?: Yes X No Local Programs:

Note: For sites in a region that has a local program with jurisdiction, MSS projects for those sites will be reviewed by regional offices only.

**Request for Comments -- Site Review
RESPONSE**

PLEASE SEND COMMENTS TO THE PERSON IDENTIFIED BELOW. (To avoid delays, please do not send this back to the Air Permits Initial Review Team.):

X	To: Joe Nicosia - Air Permits Division – Austin (Mech)	E-Mail: Joe Nicosia	Phone: (512) 239-1644
	To: Sabrina Coty-Butler - Air Permits Division – Austin (Coatings)	E-Mail: Sabrina Coty-Butler	Phone: (512) 239-1225
	To: Daniel Crean - Air Permits Division - Austin (Chem)	E-Mail: Daniel Crean	Phone: (512) 239-1505
	To: Michael Gembarowski - Air Permits Division - Austin (Energy)	E-Mail: Michael Gembarowski	Phone: (512) 239-1281
	To: Joel Stanford - Air Permits Division - Austin (Expedite)	E-Mail: Joel Stanford	Phone: (512) 239-0270
	To: Rule Registration Section	E-Mail: AirRR	Phone: (512) 239-1250 Fax: (512) 239-2101
X	To: Ava Enriquez	E-Mail: ava.enriquez@tceq.texas.gov	Phone: 512-239-0894 Fax: (512) 239-1400

FROM: Region: 12	City: Juliff	County: Fort Bend
	Compliance:	Legal:

Copy of Application Received by your Office: ☒ YES ☐ NO

Date Received: June 6, 2024

PERMIT No. 174419

PROJECT No. 365632

Company Name: Jilpit Llc

Investigator's/Compliance Officer's Name (Please Print): Rafael Elizondo III

Organization: Texas Commission on Environmental Quality Phone: (713) 767-8980

Comments Deadline: June 26, 2024

Date of Last Site Visit: June 26, 2024

SITE INFORMATION:

Nuisance/Odor Potential: ☐ Low ☒ Moderate ☐ High

Existing Odor Problem: ☐ Yes ☒ No (If yes, provide details)

Hazard Potential: ☒ Low ☐ Moderate ☐ High

Surrounding Land Use: Undeveloped and Residential

School within 3,000 feet? ☐ Yes ☒ No Distance (feet): School Name:

Distance to Nearest Off-Property Receptor: Approximately 1,900 ft

Receptor Type: Residence

Distance from unit to nearest property line: Approximately 800 ft.

Describe area surrounding the site (agriculture, industrial, residential):

Undeveloped and Residential

NOV/NOE INFORMATION (concerning affected process unit):		
Type of Site: <u> X </u> New <u> </u> Existing		
NOV Issued? <u> X </u> No <u> </u> Yes		Date:
Type of Violation: N/A		
Was there an NOE for this site?: <u> X </u> No <u> </u> Yes		Date:
Please provide any information the permit engineer needs concerning the current NOV, violation, or NOE status		
Summarize any recent complaints related to this facility including complaint type and CCEDS number: N/A		
Recommendation based on Compliance History: (*For Compliance Use Only)		
Proceed with Permit Review <input checked="" type="checkbox"/> Additional Provisions <input type="checkbox"/> Deny Permit <input type="checkbox"/> Update Application <input type="checkbox"/>		
SITE REVIEW:		
In light of the proximity of sensitive receptors and the surrounding land use, please discuss any concerns you have concerning a facility of this type locating at the proposed site. N/A		
MSS Specific Notes:		
The following MSS activities in the application are insufficient or inconsistent with our knowledge of MSS at the facility, and why: N/A		
The following activities are typically considered planned MSS and are not found in the application. These activities should be added or addressed: N/A		

EXHIBIT D



TAMMY JONES
SENIOR COUNSEL

DIRECT DIAL: (713) 980-1719
tjones@bakerwotring.com

December 16, 2024

Via Electronic Mail

Texas Commission on Environmental Quality
Attn: Public Information Officer, MC 197
P.O. Box 13087the
Austin, Texas 78711-3087
openrecs@tceq.texas.gov

RE: Request for Documents under Texas Public Information Act Regarding Air Quality
Standard Permit Registration No. 174419

Dear Public Information Officer:

In accordance with the provisions of the Texas Public Information Act, Tex. Gov't Code Ann. §§552.001 et seq., Baker • Wotring LLP hereby requests the prompt production and disclosure of any and all memoranda, lists, correspondence, and other documents and records, whether draft, preliminary, interim or final, as well as any other related documentation in electronic format, in the possession, custody or control of the Texas Commission on Environmental Quality ("TCEQ") related to:

Air Quality Standard Permit Registration No. 174419

TCEQ Docket No. 2024-1751-AIR

Regulated Entity Name: Juliff Pit Crusher

Regulated Entity Number: RN111833539

TCEQ Region: Fort Bend County, Region 12 – Houston

Program: AIRNSR

This request is for all information in whatever media it may be kept and in whatever form including, but not limited to, any book, paper, letter, document, e-mail, Internet posting, text message, instant message, other electronic communication, printout, photograph, film, tape, microfiche, microfilm, sound recording, map, and drawing and a voice, data, or video representation held in computer memory in the possession, custody or control of the TCEQ.

This request specifically encompasses:

- Applicant's May 10, 2024 updated maps and representations referred to by the Executive Director in her Response to Public Comment 6 mailed on December 4, 2024.
- The June 5, 2024 site visit referenced by the Executive Director in her Response to the Motions to Overturn filed on December 10, 2024.

In this request, the term "document" includes the following: all reports, lists, interagency memoranda, intra-agency memoranda, data correspondence, opinion letters, ledgers, studies, investigations, schedules, photographs, sound reproductions, ledger books, graphs, catalogues, statements or any other handwritten, typewritten, printed, recorded or graphic material of any kind or description whatsoever. Baker • Wotring LLP agrees to pay reasonable postage, copying fees and other reasonable applicable fees accrued under Subchapter F of the Texas Public Information Act for the processing of this request in an amount not to exceed \$150.00. However, please notify me prior to your incurring any expenses in excess of that amount.

If the request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the PIA. Please also release all non-exempt portions of otherwise exempt material.

Please do not hesitate to contact the undersigned by phone at (713) 980-1719, or by email at tjones@bakerwotring.com if you have any questions regarding this request. Thank you for your assistance.

Very truly yours,

/s/ Tammy Jones

Tammy Jones

EXHIBIT E



EXHIBIT F

